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Attorneys for Defendant
 WALMART INC.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION**

EOLAS TECHNOLOGIES
 INCORPORATED,

Plaintiff,

v.

WALMART STORES, INC.,¹

Defendant.

Case No. 3:17-cv-03023-JST

**WAL-MART STORES, INC.
 NOTICE TO COURT
 REGARDING JOINT STATUS
 UPDATE**

JURY TRIAL DEMANDED

EOLAS TECHNOLOGIES
 INCORPORATED,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 3:17-cv-03022-JST

¹ Walmart Stores, Inc. formally changed its name to Walmart Inc. on February 1, 2018.

1 Walmart files this notice pursuant to the Court's order, Dkt. 448, Case No. 17-cv-03022,
2 calling for "[t]he parties to provide a Joint Status Update regarding discovery."

3 Walmart attempted to meet and confer with Eolas on the joint update, and provided Eolas
4 with a draft at that time, but Eolas informed Walmart it would exclude Walmart's position from
5 the update. To prevent the Court from reaching the conclusion that Walmart has chosen to take
6 no position on discovery, Walmart provides its position below:

7 **WALMART'S POSITION**

8 As stated by Walmart's counsel during the April 26, 2018 proceedings on the question of
9 document production, the McKool documents go to substantive issues including, but not limited
10 to, Walmart's defenses of patent term adjustment and unclean hands. See Walmart's Second
11 Amended Answer to Second Amended Complaint at 5-6, Dkt. No. 93, CAND-3-17-cv-03023.
12 However, to date Eolas has been unwilling to provide these documents to Walmart, despite
13 several discussions and Walmart's further attempts to confer. Walmart has not escalated the issue
14 while disputes remain as to the scope of Eolas's production to Google and Amazon. However,
15 Walmart seeks the Court's guidance in streamlining the dispute between Walmart and Eolas to
16 achieve a resolution. It would be more efficient for Walmart to be involved in these proceedings
17 as they occur in the first instance.

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19 Dated: August 16, 2018

Respectfully submitted,

20 By: /s/ Bijal V. Vakil
21 Bijal V. Vakil

22 Attorneys for Defendant Walmart Inc.
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